

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALUMINIUM BAHRAIN B.S.C.,

Plaintiff,

vs.

2:08-CV-00299 (DWA)

ALCOA, INC., ALCOA WORLD ALUMINA
LLC, WILLIAM RICE and VICTOR
DAHDALEH,

Defendants.

**DEFENDANT WILLIAM RICE'S MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT OF ALUMINIUM BAHRAIN B.S.C.**

Defendant William Rice, by and through counsel, hereby respectfully moves this Court to dismiss with prejudice all claims against him in the above-captioned action, for the following reasons:

1. The RICO statute does not have extraterritorial reach. Alba's alleged RICO enterprises conducted their activities overseas, the focus of the enterprises was overseas, and the critical members of the enterprises were all foreign and/or located overseas. As such, the alleged RICO enterprises are foreign and outside the reach of the RICO statute.
2. Alba's RICO claims fail to satisfy the pleading requirements of *Bell Atlantic v. Twombly* and *Ashcroft v. Iqbal* and the particularity pleading requirements of F.R.C.P. 9(b). Alba fails to allege facts sufficient to establish the "conduct" elements of the RICO statute against Mr. Rice and fails to properly plead each of the racketeering activities cited in the First Amended Complaint.
3. Alba's common law fraud claim fails under Rules 12(b)(6) and 9(b). Alba's claims that Mr. Rice both omitted to inform Alba of corrupt payments and misled Alba regarding the nature of the Dahdaleh companies fail to satisfy Rules 12(b)(6) and 9(b) and fail to provide Mr. Rice with sufficient facts.
4. Alba's claims regarding a RICO conspiracy and civil conspiracy to defraud fail under Rules 12(b)(6) and 9(b). Alba's claim of conspiracy to defraud fails to allege facts establishing the elements of a conspiracy under federal and Pennsylvania law.

For each of the foregoing reasons, as well as those set forth in the accompanying memorandum of law, Defendant William Rice respectfully requests that the Court dismiss all claims against him with prejudice.

Dated: January 27, 2012

Respectfully submitted,

/s/ Richard L. Beizer

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CERTIFICATE OF SERVICE

I, Ashley N. Bailey, hereby certify that the foregoing MOTION TO DISMISS was served upon counsel of record by ECF filing this 27th day of January, 2012.

/s/ Ashley N. Bailey